IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE A.GOPAL REDDY
and
THE HON'BLE MR JUSTICE P.SWAROOP REDDY

WRIT PETITION NO : 12227 of 2007

DATE:13.11.2007

Between:

Karanapu Annapurnamma

..... PETITIONER

AND

1. The Station House Officer, IV Town Police Station, Visakhapatnam, and others.

.....RESPONDENTS

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ORAL ORDER: (per Hon'ble Sri Justice P. Swaroop Reddy)

This writ petition is filed by the petitioner for a direction in the nature of Habeas Corpus directing the respondents to produce and handover her husband, namely, Karanapu Ramu before this Court.

The case of the petitioner is that her husband Karanapu Ramu was working as gangman in the railways within the area of Cheepurapalli and Garividi railway stations. On 26.09.2006, herself and her husband went to Visakhapatnam railway hospital for treatment of her husband, where her husband went to attend calls of nature beside railway hospital, which comes under Dondaparthy area, and did not come back. Thereafter, herself and her relatives searched the surrounding area, but her husband was not found. After ten days, on 6.10.2006, she gave a complaint to the first respondent, who registered a case in Crime No.627 of 2006. She also stated that after giving the complaint, when they were still searching for her husband, herself and her relatives saw him along with her brother, brother's son and brother's son-in-law, who are respondents 2 to 4 herein, going in an auto from Vizianagaram towards Gajapathinagaram. When she reached the village, the villagers also told that her husband was brought in an auto by the aforementioned persons. Immediately, the petitioner and village elders visited the house of her brother and asked the whereabouts of her husband. Then she was told that her husband was abducted by her brother for the purpose of employment to his son on compassionate grounds in place of her husband, as her brother had obtained ex parte decree in O.S.No.32 of 2006 basing on a forged document of adoption. The second respondent also declared that her husband would be killed

if necessary for the purpose of appointment of third respondent on compassionate grounds. Then she again gave a complaint to the police on 10.04.2007 to take action against respondents 2 to 4. Respondents 2 to 4, in collusion with the first respondent, proclaimed that her husband would be released only after getting employment to the third respondent in place of her husband. Hence the petitioner is apprehending danger to the life of her husband, and that the first respondent did not take any steps to come to rescue of her husband.

Even after taking several adjournments, the Inspector of Police, IV Town Police Station, Visakhapatnam District, the first respondent herein, reported that the police are searching for the whereabouts of the husband of the petitioner. He filed a counter affidavit stating that the petitioner lodged a complaint on 6.10.2006 with the IV Town Police Station, Visakhapatnam, stating that on 26.09.2006 the complainant along with her husband Karanapu Ramu started from their house to go to Railway Hospital, Visakhapatnam for treatment of her husband, as he was suffering with nervous weakness. On their way to railway hospital, Visakhapatnam, the alleged detenu went to attend calls of nature at Dondaparthy area and did not return. On that, she searched for him, but did not find him. Hence she lodged the complaint with the police, which was registered as a case in Crime No.627 of 2006 under the head of 'Man Missing'. During the course of investigation, witnesses were examined and search was made for the missing person in various places but nothing could be learnt about him. It is also stated that enquiries made with the village elders of G. Agraharam village revealed that there were disputes between the families of the petitioner and her brother Koppala Thavitayya on account of adoption of the son of the second respondent, and nominating third respondent as the successor of the alleged detenu to his job in the railways. It is further stated that on 18.04.2007 the advocate of the complainant came to the police station

and appraised the investigating officer about the disputes between both the families. The police examined the suspects, who denied their involvement in the case of missing person. Though the disputes were admitted, further efforts were made for locating the missing person without any success. The investigation also reveals that the suspects are not involved in the missing of the alleged detenu. On 18.08.2007, the Inspector of Police filed additional counter affidavit stating that there is no progress in the investigation.

Finally, the Commissioner of Police, Visakhapatnam, filed counter affidavit on 10.11.2007 stating that during the course of further investigation all suspects were examined by the investigating agency, but their involvement was not traced. While the investigation was under progress, the investigating officer verified the Criminal Intelligence Gazette in which the information with regard to the un-identified dead bodies was reported, and he also verified the photographs of the un-identified male dead bodies. The photograph of an un-identified male dead body tallied with the descriptive particulars of the alleged abducted man, it was shown to his nephew, namely, Rama Laxman, who identified the same as that of the alleged abducted man. Thereafter, the photograph was shown to the petitioner and her daughter and they too identified the same as that of the alleged abducted man. The post-mortem certificate issued by the Assistant Professor of Forensic Medicine, Andhra Medical College, Visakhapatnam, vide P.M.E.No.1298/2006 dated 02.12.2006, revealed that the cause of death was “natural – case of hypertension and intra cerebral haemorrhage.” It is further stated that the investigating officer is taking steps to finalize the investigation in the light of evidence available on record.

After filing of the above counter affidavit, we have directed the learned counsel for the petitioner to verify as to whether the photograph shown to the petitioner is that of her husband. Today, the learned

counsel for the petitioner reports that he has verified with the petitioner, who stated that the photograph shown to her was that of her husband. It is also stated by the learned counsel for the petitioner that on enquiry with the petitioner, she stated that she is not suspecting any foul play in the death of her husband.

Thus the postmortem report and the counter filed by the Commissioner of Police, Visakhapatnam go to show that the cause of the death was natural, and, the petitioner, herself, as reported by her counsel, is not suspecting any foul play in the death of her husband and it might be a case of natural death.

It is, however, mysterious that from the date of missing of the alleged detenu i.e., 26.09.2006, till his body was allegedly found after a very long time, it is not known as to where the missing person was. Some suspicion is still there about the entire episode. The concerned Police shall complete the investigation and file appropriate final report before the Court concerned in the matter.

As the cause of death was shown to be natural and as the petitioner, herself, is not expressing any suspicion about the cause of death, as far as this writ petition is concerned, nothing remains. Still, the circumstances show that there might be some truth in the allegation that for the purpose of getting employment on compassionate grounds, initially, the unofficial respondents might have played some mischief and in order to discourage such malpractices, we observe that in case any compassionate appointment is to be considered, on account of the death of Sri Karanapu Ramu, that has to be only for his daughter and for none else. As already referred, the allegation is that only for the sake of compassionate appointment, an attempt was made to kill Sri Karanapu Ramu and ultimately he met with a suspicious death, though there might not be authentic material about his unnatural death.

Accordingly, the Writ Petition is closed.

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(A. GOPAL REDDY, J.)

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(P. SWAROOP REDDY, J.)

13th November, 2007

Note: The Registry is directed to communicate a copy of this order to the concerned Railway authorities, to take into consideration, the observations made in this order, while considering compassionate appointment on account of the death of the missing person by name – **Karanapu Ramu**, who was working as a Gangman in railways.

B/o

Js.